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2. — *A Treatise on the Law of Evidence, as administered in England and Ireland, with Illustrations from the American and other Foreign Laws.* By JOHN PITT TAYLOR, Esq., of the Middle Temple, Barrister at Law. London: A. Maxwell & Son. 1848. Volume I. 8vo. pp. 643.

MR. JOHN PITT TAYLOR, we doubt not, is an exceedingly honest man, as the world goes; or rather, in old Gobbo's phrase, he is an "honest exceeding poor man," for, indeed, he doth "something smack, something grow to, — he hath a kind of taste." He will not directly take that which is another's, whether it be money or reputation, provided that the law expressly forbids him to appropriate it; for as the law never speaks but to command and compel, there are certain ugly penalties attached to it, which it would be inconvenient or hazardous to encounter. But if the law happens to be silent, Mr. Taylor's conscience is silent also; every thing which is not illegal within the compass of her Majesty Queen Victoria's three kingdoms, in his estimation, is also legal, and therefore equitable, honorable, and just. As he is a lawyer himself, he knows all the little indentations and winding creeks into the coasts of the law, and he can show his forensic ability in navigating these obscure recesses, keeping just as close to the shore as he can without actually striking on the breakers. If one of his learned brothers in England had published, some five or six years ago, an admirable book on the law of evidence, which had become a classic in every court where the English language is spoken, Mr. John Pitt Taylor would have been far too honest to seize upon it, and after interpolating a few more illustrations and citations from English statutes and reports, to publish it with his own name emblazoned on the title-page, the true author being mentioned only in a smoothly polite, but somewhat vague, acknowledgment in the Preface. O, no! he is far too honest for that, especially as such a course would subject his publisher to an injunction, and himself to an action for damages, while, by the publicity of these legal proceedings, his general reputation for common fairness and integrity might be somewhat more damaged than his purse. But if the said work be written by a learned professor, cunning in the law, in America, the English law does not prohibit him from stealing it, — the American law, we are sorry to say, is equally silent in respect to English books, — and Mr. Taylor accordingly adopts it as his own, and puts forth this supposititious child upon the community. This proceeding is an apt illustration of the manner in which the con-

sciences of some worthy persons require to be propped up by positive statutes, to be fortified and buttressed with legal penalties, before they will act at all.

Mr. Taylor observes in his Preface, that "the following work is founded on Dr. Greenleaf's American Treatise on the Law of Evidence," which treatise he at first intended merely to edit, but "finally determined to abandon it, and to submit to the public a treatise of my own." He further modestly observes, that he "had no idle hope of being able to produce a book which, regarded as an exposition of general principles, should surpass, or even equal, that written by the learned American Professor." To have introduced the new matter which he wished to add "in the shape of notes to Dr. Greenleaf's Treatise *would have been highly inconvenient*"; so he resolves to publish the whole under his own name, sagely remarking, that "whether the information were conveyed in my own or in another's language has been to me, as it doubtless will be to my readers, *a matter of indifference*." The cool impudence of such an avowal is certainly, in this hot weather, very refreshing.

Our Transatlantic notion of literary honesty is, that when an author publishes a book which he claims as his own by putting his own name exclusively upon its title-page, every sentence in it which is really borrowed from another work should be distinguished by quotation marks, and credited, by marginal references or other means, to its proper author. Mr. Taylor, though confessing in the Preface that he has "borrowed many pages of the terse and luminous writing" of Professor Greenleaf, uses no quotation marks, and leaves the reader to ascertain as he can the precise extent of his borrowings. We will offer any one who may be curious on the subject a little assistance in this inquiry.

One hundred and seventy-eight sections of Mr. Taylor's work are copied, either entirely or in substance, from Dr. Greenleaf's, and parts of many others are taken from the same source. All the quotations from the Roman law are borrowed from the American book, to which Mr. Taylor is also indebted for the arrangement of the subject. His additions consist of the English statutes and rules of practice, of additional cases to illustrate the principles stated by Dr. Greenleaf, and of some few modifications of these principles; but he has added no new rule of evidence. Such is the work which is modestly set forth on the title-page as "A Treatise on the Law of Evidence, by John Pitt Taylor, Esq."